

# **EXHIBIT 1**

Case:d-1-gn-11-000730 with (3) documents

Filed Date	Category	Description	Additional Info
3/10/2011	PET-PL	ORIGINAL PETITION/APPLICATION	PLAINTIFF'S ORIGINAL VERIFIED PETITION
3/10/2011	OTHER	AFFIDAVIT INABILITY PAY COSTS	AFFIDAVIT OF INABILITY TO PAY BY DESSIE MARIA ANDREWS
4/5/2011	SRVPROCESS ...	EXE SERVICE OF CITATION	KATHLEEN ANN GITTEL

D-1-GN-11 000730

CAUSE NO. \_\_\_\_\_

Dessie Maria Andrews  
Plaintiff

v.

KATHLEEN ANN GITTEL  
Defendant§  
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§  
§  
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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

124 JUDICIAL DISTRICTFiled in The District Court  
of Travis County, Texas

MAR 10 2011 BP

AL  
Amalia Rodriguez-Mendoza, Clerk

## PLAINTIFF'S ORIGINAL VERIFIED PETITION

## TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Dessie Maria Andrews, hereinafter referred to as Plaintiff, and files this Original Petition. In support of this verified petition, the Plaintiff would show as follows:

## I. DISCOVERY

1. Discovery in this matter is intended to be conducted under level 3 as set out in Texas Rules of Civil Procedure 190.4.

## II. PARTIES

2. Plaintiff is a woman who lives in Austin, Texas.
3. Defendant Kathleen Ann Gittel ("Gittel") is a resident of Texas and lives in Liberty Hill, Texas. Gittel can be served with process at 1800 Thousand Oaks, Liberty Hills, Texas 78642.

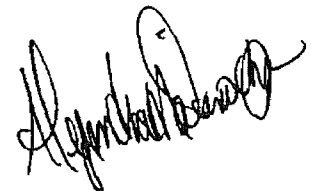
## III. JURISDICTION AND VENUE

4. Venue is proper in Travis County, Texas, pursuant to Tex.Civ.Prac. & Rem. Code §15.002(4). Jurisdiction is conveyed upon this court by Texas Constitution Art. 5, Sec. 7.

## IV. FACTS

5. On May 8, 2010, Defendant created or caused to be created a Security Incident Report to the U. S. Department of Commerce.<sup>1</sup> Said report states the "incident" happened at (redacted)(written in) 33 Indian Trail, Liberty Hill, TX 78642. The report goes on to state that a

<sup>1</sup> Exhibit 1 – Security Incident Report, attached hereto and incorporated herein.



woman threatened enumerator and fired five shots with a revolver. It also states under #7 that enumerator attempted to contact address (redacted) Liberty Hill, TX 78642.

6. Later, a report on incident while Performing Enumeration Duties on 5/8/ 2010 was filed.<sup>2</sup> In this report, Defendant Gittel states she performed enumeration duties on an HU (redacted), Liberty Hill, Williamson County, Zip Code 78642.

7. Defendant Gittel's statement goes on to say she saw a woman standing 100 feet in front of her when she turned her back to the house. Her narrative states the woman fired a total of five shots at her as she was quickly walking from the property, that although Defendant Gittel's back was to the woman, the woman "looked really angry and wild crazy".

8. Later, Defendant Gittel picked Carolyn Barnes from a photo array and Carolyn was indicted by the Williamson County District Attorney for a first degree felony.

9. Defendant Gittel has alleged, in complaints and statements which led to an indictment of Carolyn Barnes, that Defendant Gittel alleges, by innuendo, not by direct statement, that she was present on the private property of Carolyn Barnes, 419 Indian Trail, Leander, Texas, on May, 8, 2010 and that a woman, (later Gittel identified Ms. Barnes as the woman) ran her off the property and fired shots as she left.

10. Defendant Gittel was never on Carolyn Barnes' property. That she may have been somewhere else off of the San Gabriel River is a possibility, as Defendant Gittel's description of the property she claims to have visited matches that of an abandoned house north of Indian Trail and east of a railroad trestle.

11. Defendant Gittel, in collusion with Williamson County elected and appointed officials, identified Carolyn Barnes as the woman in her story.

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<sup>2</sup> Exhibit 2 – Report on incident, attached hereto and incorporated herein

12. There were no witnesses to Defendant Gittel's incident, and Gittel asked no one for help at the scene, although there were a number of visitors on Indian Trail that day.

13. There was no injury suffered by Defendant Gittel, no evidence, nothing to corroborate her story that she was even in Leander on that Saturday. Everything in her written evidence states she was enumerating in Liberty Hill, Texas, on May 8, 2010.

14. Ms. Gittel has fabricated a story for reasons unknown that has led to the indictment and imprisonment of Ms. Barnes.

15. Plaintiff has live cases with hearings in which Ms. Barnes is the sole attorney, and Plaintiff has suffered and is suffering harm because of Ms. Barnes incarceration, which is a direct result of Defendant Gittel's actions.

#### **CAUSES OF ACTION**

##### **CAUSE 1**

##### **LIBEL PER SE**

16. Defendant Gittel gave a statement to Williamson County officials, naming Plaintiff's attorney and implicating Plaintiff's attorney in an act that has been made to appear heinous. Ms. Gittel's statement were not true. The statements were so obviously hurtful to Ms. Barnes that it required no proof of its injurious character to make it actionable. The statements were so injurious to Ms. Barnes personal reputation as to make her a person of public and private ridicule. This public and private ridicule have prejudiced Plaintiff and her ongoing legal actions which are dependent on Ms. Barnes, her expertise and her reputation.

17. The statements have injured Ms. Barnes', a living person, reputation and thereby exposed her and by extension her clients, to public hatred, contempt, ridicule or financial injury. The statements which Defendant Gittel made were reasonably calculated to produce public hatred,

contempt, ridicule and financial injury. As a result, Plaintiff has suffered the same public hatred, contempt, ridicule and financial injury by extension and implication.

18. Ms. Gittel's statements injured Ms. Barnes in her office, profession, and occupation and the direct result affects the outcome of each and every representation made by Ms. Barnes in the courts. This has personally and directly harmed Plaintiff.

19. Ms. Gittel's statements falsely charged Ms. Barnes with the commission of a crime punishable by imprisonment. As a result of the hatred and contempt, and although Ms. Barnes has appeared at every hearing and posted \$50,000 to the false charges, Plaintiff's attorney was arrested in open court on February 28, 2011 while making an appearance in court and is currently confined to prison indefinitely.

## CAUSE 2

### TORTIOUS INTERFERENCE OF ATTORNEY/CLIENT RELATIONSHIP

20. Defendant Gittel by her actions, has committed acts whose results were tortious interference of an attorney/client relationship. Plaintiff has engaged Ms. Barnes services as an attorney in several matters, including most importantly, the return of Andrews's grandson, Brennan, who was kidnapped in Lee County and is being held unlawfully by the Texas Department of Family Services.

21. Because of Defendant Gittel's report and the charges and incidents which ensued, Ms. Barnes was arrested while appearing in court on February 28, 2011, and remains in jail where Barnes is not able to appear in scheduled hearings for Plaintiff.

22. This has caused Plaintiff injury.

**CAUSE 3****INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

23. Defendant Gittel, on May 8, 2010, when she caused Leander Police and the Williamson County Sheriff's Office to be called, acted intentionally and recklessly. Defendant Gittel's conduct was intentional. Defendant Gittel has lived in Williamson County long enough to know that the consequences of making a report of this kind was certain to result in harm to Ms. Barnes. Defendant Gittel's conduct was reckless, Defendant Gittel knew or had reason to know that the facts she related to the Williamson County Sheriff's Office would create a high degree of risk of harm to another, yet she deliberately filed a report and placed calls to law enforcement which resulted in the arrest and imprisonment of Ms. Barnes, an innocent victim of Defendant Gittel's deliberate actions.

24. The very fact that Defendant Gittel was or admits to being on private posted property, whether it was for census taking or bird watching, which is Gittel's avocation, is trespass. Defendant Gittel's transference of an alleged crime to Ms. Barnes is extreme and outrageous. By setting into motion the events that transpired after Gittel's report, calls and identification of Ms. Barnes, resulting in the emotional and physical distress to Ms. Barnes and by extension to those who relied on Ms. Barnes, including Plaintiff, Plaintiff alleges that Defendant Gittel's actions were the proximate cause of emotional distress to Plaintiff.

25. Ms. Barnes has been fighting diligently to get Brennan back into the custody of Plaintiff and her son. Ms. Barnes is unique in her dedication and abilities. When, in the presence of Plaintiff, Ms. Barnes was arrested and taken away, not only was Plaintiff stunned and shocked, Plaintiff suffered emotional distress and continues to suffer distress, as her hopes to recover her grandson went off to a jail cell with Ms. Barnes to be locked away.

### CONCLUSION

26. On May 8, 2010, Defendant Gittel, for reasons unknown, caused to be set into motion events that have impacted Plaintiff's life and have caused her grave injury. Plaintiff has a number of legal issues which are live and are being endangered as a direct consequence of Defendant's actions.

27. Defendant Gittel, unharmed and perhaps herself a trespasser, set into motion events which have had negative impact on Plaintiff and have and are causing her serious injury.

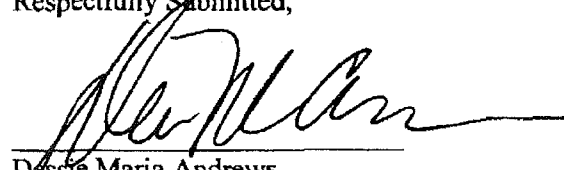
### PRAYER

28. WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that upon final hearing:

Defendant be cited to appear and answer herein, and that upon final hearing, Plaintiff receive judgment and other relief described as follows:

- 1 Actual damages, which include
  - a. General damages, and
  - b. Special damages.
2. Nominal damages.
3. Exemplary damages.
4. Interest.
5. Court costs.
6. Attorney's fees.
7. That Plaintiff be awarded such other and further relief, both at law or in equity, to which she may show herself justly entitled.

Respectfully Submitted,

  
Dessie Maria Andrews  
6715 Skynook Drive  
Austin, Texas 78745  
(512) 416-7139  
(512) 233-2693 Fax

The State of Texas }

Travis County }

VERIFICATION

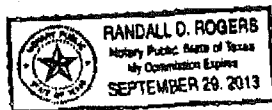
BEFORE ME, the undersigned authority, on this day personally appeared Dessie Maria Andrews, who, upon being duly sworn by me, deposed as follows:

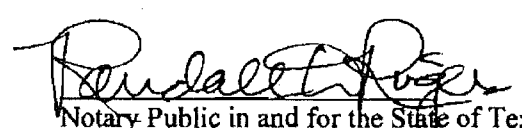
"My name is Dessie Maria Andrews. I am the Plaintiff in the attached lawsuit.

I have read the petition and I have personal knowledge of the facts stated in the petition. I do state that the facts contained therein are true and correct.

  
Dessie Maria Andrews

SWORN AND SUBSCRIBED before me by Dessie Maria Andrews on this the 10<sup>th</sup> day of March, 2011.



  
Notary Public in and for the State of Texas

R LOFTIN

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US Census Bureau

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M1 8-13-10

Form 80-1208 4-0-0202		U.S. DEPARTMENT OF COMMERCE Economic and Statistics Administration U.S. CENSUS BUREAU		1. Incident		CENSUS SECURITY OFFICE USE ONLY	
SECURITY INCIDENT REPORT		Date 5/8/10		Time 4:10 a.m.		Date received - Stamp	
		2. Report					
		Date 5/8/10		Time 4:45 a.m.			
3. Complete address where incident happened (Street, city, State, ZIP Code) OR (Room/Building)		33 INDIAN TRAIL, LIBERTY HILL, TX 78642					
4. Person completing report	a. Name HAROLD K. POPPA, JR.			b. Signature Harold K. Poppa, Jr.			
	c. Telephone number 512	d. Division or Region WILLIAMSON CO.	e. Building	f. Room No.			
5. Type of Incident <input type="checkbox"/> ADP <input checked="" type="checkbox"/> Assault <input type="checkbox"/> Theft - Government <input type="checkbox"/> Theft - Personal				6. Was medical attention received? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
7. Details of Incident - If additional pages are needed, mark (X) this box and attach. <input type="checkbox"/> ENumerator ATTEMPTED TO CONTACT ADDRESS <del>XXXXXXXXXX</del> LIBERTY HILL, TX 78642 CASE ID 32-10303 1053 961 66. WOMAN THREATENED ENumerator A FIRED FIVE SHOTS WITH REVOLVER. REPORT TO WILLIAMSON CO. SHERIFF DEPT., GEORGETOWN, TX. TELEPHONE 512 943 1300, 508 SO. ROCK ST., GEORGETOWN, TX. CERT INCIDENT CASE 1912							
8. Who was notified of incident - Mark (X) all boxes that apply <input type="checkbox"/> Police <input checked="" type="checkbox"/> Supervisor <input checked="" type="checkbox"/> F.B.I. <input checked="" type="checkbox"/> Sheriff <input type="checkbox"/> PPO <input type="checkbox"/> Census Security Office <input type="checkbox"/> Division/Regional Security Representative <input type="checkbox"/> Administrative Office <input type="checkbox"/> Other - Specify				9. Police report number (if applicable) p C10-05-2482 <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Will follow			
10. Persons involved in incident - Attach additional pages, if necessary. Codes for column (a): W - Witness V - Victim or Complainant O - Investigated by M - Medical personnel							
Code (a)	Name (b)	Telephone (c) Area code Number		Street, city, State, ZIP Code (d)			
1	KATHLEEN GITTEL	512	639-3737	LIBERTY HILL, TX 78642			
CENSUS SECURITY OFFICE USE ONLY							
Disposition of incident - If additional pages are needed, mark (X) this box and attach. <input type="checkbox"/>							
Signature of person closing this incident		13. Date incident was closed		14. Incident number			

ENSUSBUREAU

GPO U.S. GOVERNMENT PRINTING OFFICE: 2003-045-538/1004

EXHIBIT 1

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US Census Bureau

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FORM D-225 (2-18-2000)  U.S. DEPARTMENT OF COMMERCE Economic and Statistics Administration U.S. CENSUS BUREAU  <b>INFO - COMM</b> <b>Information Communication</b> 2010 Census	<b>a. TO (Receiver)</b> ERIC SHEPPARD		<b>b. FROM (Sender)</b> HAROLD POPPA	
	<b>c. LCO code</b> 3062		<b>d. RCG</b>	
	<b>e. Operation</b> NRFU			
	<b>f. Position title</b> CREW LEADER		<b>g. CLD No./Other</b> 0201	
	<b>h. Date</b> 5/8/10			
IF REFERENCE TO SPECIFIC UNIT, SHOW WHERE APPLICABLE				
<b>i. AA</b>		<b>j. Block</b>		<b>k. Map spot</b>
<b>l. Case ID number/line number</b>				
See back of copy 3 for instructions.				
<b>m. Address or description (include city name and ZIP Code)</b>				

Section I: **STATEMENT** (Answer required): ☐ Yes ☐ No

Mark (X) appropriate box(es) and provide explanation.

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Unable to contact             | <input type="checkbox"/> Refusal               | <input type="checkbox"/> Unsafe to enumerate | <input checked="" type="checkbox"/> Other - Explain below |
| <input type="checkbox"/> Inaccessible                  | <input type="checkbox"/> Other Living Quarters | <input type="checkbox"/> Procedural question |   |
| <input type="checkbox"/> Picked up paper questionnaire | <input type="checkbox"/> Geography/Map problem | <input type="checkbox"/> Payroll question    |   |

Explanation: SHOOTING INCIDENT 5/4/10, WILLIAMSON CO.  
SHERIFF DEPUTY HERNANDEZ INDICATED POLICE  
REPORT WOULD NOT BE AVAILABLE UNTIL MONDAY  
OR TUESDAY, PHONE # 943-1300, SHERIFF DEPT,  
508 S. ROCK ST., GEORGETOWN, TX, CASE # C10-05-2482

Section II: **ANSWER AND DISTRIBUTION**

Answered or acknowledged by

Date

Copy distribution: Copies 1 and 2 - Receiver Copy 3 - Sender

USCENSUSBUREAU

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R LOFTIN

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Report On Incident While Performing Enumeration Duties on 5/8/2010 at

1

HU [REDACTED] Liberty Hill, Williamson County, Zip Code 78642

Kathleen Gittel, Employee ID 1069296

[REDACTED]

Liberty Hill, TX, 78642

There were 3 HUs in this block. I completed the questionnaire for one of the two River Run Road residents. That respondent gave me a lift to Indian Trail. It was about 3:20 pm when he let me off his truck where the only other two houses on Indian trail are located.

About 3/8 of a mile down Indian Trail Road, at the end of the road, I saw a house. I approached it noting that though it had a new paint job it was surrounded by garbage including empty paint containers, empty plaster containers and boxes full of discarded junk. About five vehicles were parked to the side of the house -- rusted old trucks, rusted old cars and an old rusted tractor. I figured I was looking at a vacant house that was being remodeled.

But then I saw a clothesline with clothes hanging on it that I identified as belonging to a woman, a man and child. Later the police told me that a woman and a teenage boy live there. They think a man might also live there, but they weren't sure.

I went to the side of the house and looked into window in the side-door. The house appeared empty except for cartons of refuse. I proceeded to the front of the house to check the house number, but couldn't see it because my sight was blocked by bushes and by many boxes and containers of debris.

I heard a gunshot, then I smelled gunpowder. It came from behind me. I turned and saw no one. I called out, "Hellooo, please don't shoot, I'm just the census taker." There was no reply. I called out again the same and again there was no reply. I called

EXHIBIT 2

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out a third time and when there was no reply, assumed I heard a hunter shooting squirrels or what ever and I turned to try and see the house number again.

Then I heard something behind me and I turned back. About 100 ft in front of me stood a woman with a revolver pointed directly at me. The gun bore was approximately 1/4 to 1/2 in diameter. The woman was about 5' 4", between 40 to 50 years old. She was White, with black hair pulled back in a pony tail that sat low on her neck. She was about 135 lbs, kind of dumpy and about 10 to 20 pounds over-weight. She wore a dark skirt that came to just below her knees and a light colored blouse.

I started to explain that I was only the census worker but before I could get out more than one or two words, she yelled, "If you don't get off my property now, this is your last day on earth."

I began walking down the road fast so as to get off her property as quickly as possible.

During all this time my Census Shoulder Bag was over my shoulder and the printed part that identified me as a Census Worker was turned to the outside so it was clear who I was, unless she could not read. But even so, I had verbally identified myself 3 times when I called out who I was after I heard the first shot.

My back was turned to her and I was walking as fast as I could down the road. She fired another shot at my back. Unfortunately I could not walk faster without tripping. The road was uneven and full of rocks and pits. Without stopping, I called back to her, "I am leaving as fast as I can. I'm sixty-eight years old and I can't run."

She yelled, "I'm too old for this shit too," then something about how she was going to kill me if I didn't get off her property. Then she shot at my back again. And yelled, "You tell your supervisor that I'll shoot anyone else he sends here too."

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U.S. DEPARTMENT OF JUSTICE

R. LOFTIN

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I answered "Yes, Ma'am," and kept walking. She shot at my back again and yelled something again. I don't remember exactly what it was - something about trespassing and stuff but by this time I was sure she was going to kill me, so my attention was somewhat distracted as I kept trying to walk really fast without falling.

She yelled out something meaning, how did I get there and I answered, "I walked, Ma'am." She kept yelling things to which I routinely answered, "Yes Ma'am," I was running out of breath by this time and "Yes Ma'am" was about all I could manage.

She shot at my back again. I tried to walk faster, but I just could not do so without falling. I was scared of falling, because I was pretty sure she would run down and shoot me point blank in the back if I fell. She looked really angry and wild crazy and her yelling carried the same impression. There were no more shots and I hoped I was finally off her property. The problem was that the road looked the same all the way up to her place so I had no idea where her property ended.

After a few minutes I heard rustling to the left of me in the heavily wooded area next to the road and I realized that she was parallel to me and tracking me. I guess she wanted to make sure I got off her property. I became even more worried about my life at this time. I didn't know how long it might take her to reload her revolver or even if she had another weapon on her. And so I just kept walking as fast as I could.

Then I heard her yell out, "Hey Dale, I just shot a government person off my property." She sounded happy and proud. I felt more scared because someone who is both mean and crazy is unpredictably dangerous. By this time I had crossed an overflowing bridge and the railroad tracks and came into open land that was mowed on both sides with a black topped road. I could see River Run Road ahead of me and across from River Run Road I saw a new house being framed.

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Crim. Bureau

R. LOFTIN

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At this point I felt safe enough to pause and call Harold Poppa, my supervisor. I left a voice message that I was near the corner of Indian Trail and River Run Road and had been shot at. According to my cell phone, I made that call at 4:11 pm. Since my first respondent dropped me off on Indian Trail at about 3:20 pm, the incident probably took place sometime between 3:45 pm and 4 pm.

Harold Poppa called me right back and we met at the Super HEB on the corner of 183 and RM 2243. Before Harold Poppa arrived I called CIRT and made a full report.

Harold Poppa called the sheriff and we completed the police report. Later that evening, two detectives came to my house and interviewed me. I identified the woman who shot me from a group of photos showing six similar looking women. There was no mistaking her.

Indian Trail is 3/8 of a mile long. That's how far I had to travel with that woman shooting at me and trailing me.

Then I had to walk another 1 1/4 of a mile down River Run Road to get to my car which was parked in a small parking area next to the entrance.

And that's about it. I hope this report is adequate.

Kathleen Ann Gittel

## CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY):

D-1-62-11-600730

COURT (FOR CLERK USE ONLY):

STYLED

ANDREWS v. GITTEL

(e.g., John Smith v. All American Insurance Co., In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name: <u>DESSIE ANDREWS</u> Email: <u>dessieandrews@gmail.com</u> Address: <u>67153 KAYDOCK D. ST. #233</u> City/State/Zip: <u>ANDREWS TEX 76745</u> Fax: <u>812-4167139</u> Signature: <u>[Signature]</u> State Bar No: _____		Plaintiff(s)/Petitioner(s): <u>JANE</u>  Defendant(s)/Respondent(s): <u>KATHERINE GITTEL</u>		<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input checked="" type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____	
				Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
(Attach additional page as necessary to list all parties)					
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	

CAUSE NO.

D-1-GN-11-000730Dessie Maria Andrews  
Plaintiff

v.

KATHLEEN ANN GITTEL  
Defendant§  
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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

126TH JUDICIAL DISTRICTFiled in The District Court  
of Travis County, Texas

MAR 10 2011 BP

Amalia Rodriguez-Mendoza, Clerk

## Affidavit of Inability to Pay by Dessie Maria Andrews

State of Texas  
Travis County

On this day Dessie Maria Andrews appeared before me, the undersigned notary public, and after I administered an oath to her, upon her oath, she said:

"My name is Dessie Maria Andrews. I am more than twenty one years of age and capable of making this affidavit.

I do not have the funds I need to pay the fees for this suit.

AMC

I am seventy one years old, have no employment and live on a limited pension.

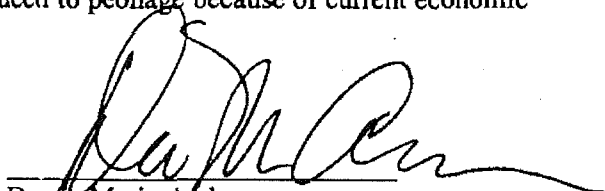
The pension funds are less than \$460 per week and I have no ability to receive further income at this time.

I have no way to pay the fees associated with the filing of this original petition and would request that the court waive the fees associated with filing.

I have \$2,000 in assets.

I have no way to borrow and have been reduced to peonage because of current economic conditions.

Further affiants sayeth not.

  
Dessie Maria Andrews

SWORN TO AND SUBSCRIBED before me by Dessie Maria Andrews


  
Notary Public

Approved by Cornie  
3/10/11

CITATION  
THE STATE OF TEXAS  
CAUSE NO. D-1-GN-11-000730

*duh/mar*  
*8*

DESSIE MARIA ANDREWS

, Plaintiff

vs.

KATHLEEN ANN GITTEL

, Defendant

TO: KATHLEEN ANN GITTEL  
1800 THOUSAND OAKS  
LIBERTY HILL, TEXAS 78642

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the ORIGINAL VERIFIED PETITION of the PLAINTIFF in the above styled and numbered cause, which was filed on MARCH 10, 2011 in the 126TH JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, March 10, 2011.

REQUESTED BY:  
DESSIE MARIA ANDREWS, PRO-SE  
6715 SKYNOOK DRIVE  
AUSTIN, TEXAS 78745  
TELEPHONE: (512) 416-7139  
FAX1 (512) 233-2693

AMALIA RODRIGUEZ-MENDOZA  
Travis County District Clerk  
Travis County Courthouse  
1000 Guadalupe, P.O. Box 679003 (78767)  
Austin, Texas 78701



By: *Alejandra Medrano-Chapa*  
ALEJANDRA MEDRANO-CHAPA, Deputy

--- RETURN ---  
Came to hand on the 18<sup>th</sup> day of March, 2011 at 136 o'clock P M., and executed at 1800 Thousand Oaks Liberty Hill, TX 78642 within the County of Burnet on the 22<sup>nd</sup> day of MARCH, 2011, at 505 o'clock P M., by delivering to the within named KATHLEEN ANN GITTEL - 1800 Thousand Oaks Liberty Hill, TX 78642, each in person, a true copy of this citation together with the NOTICE OF ENTRY OF EFILE MANDATE ORDER accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ \_\_\_\_\_

Sworn to and subscribed before me this the \_\_\_\_\_

day of \_\_\_\_\_.

RECEIVED

Notary Public 2011 MAR 10 PM 1:36 THE STATE OF TEXAS

D-1-GN-11-000730  
☐ Original ☐ Service Copy

CONSTABLE (PAUPER)

D01 - 54314

FILED  
MAR 28 2011

Bruce Elfant  
Constable Pct. 5, Travis County, Texas  
Sheriff / Constable / Authorized Person  
By: *Derrick Hill #529*  
*Derrick Hill*  
Printed Name of Server  
TRAVIS County, Texas



FILED 04/05/2011 02:37 PM Travis County District Clerk, Amalia Rodriguez-Mendoza

\*\*\*\*\* -COMM. JOURNAL- \*\*\*\*\* DATE MAR-28-2011 \*\*\*\*\* TIME 10:33 \*\*\*\*\*

MODE = MEMORY TRANSMISSION

START=MAR-28 10:32

END=MAR-28 10:33

FILE NO.=091

STN NO.	COMM.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	82332693	002/002	00:00:49

-CONSTABLE PCT5 -

\*\*\*\*\* UF-8000 v2 \*\*\*\*\* -CONSTABLE PCT5. - \*\*\*\*\* 512 854 4228- \*\*\*\*\*



Bruce Elfant, Constable

Travis County Constable  
Precinct 5  
P.O. Box 1748  
Austin, Texas 78767  
March 28, 2011

ANDREWS,DESSIE MARIA  
8715 SKYNOOK DR  
AUSTIN, TX 78745  
Fax Number: 2332693

Case No. D1GN11000730-1  
Court: 126 District Court  
County: TRAVIS  
Plaintiff: ANDREWS,DESSIE MARIA  
Defendant: GITTEL,KATHLEEN ANN  
Respondent: GITTEL,KATHLEEN ANN

Attached please find a copy of the Officer's Return for the above referenced case. For problems with this fax contact me at (512)854-9100.

Alicia Perez

**ATTENTION: eFilers**

*Remember to include 'Please use Constable Pct. 5' in the Special Instructions/Comments box so we will receive your paper.*

**CHOOSE PRECINCT 5****If you want...**

- 24/7 Service Status Check Online
- Live-person Service Check Hotline
- Daily delivery to all state offices
- Rush Service when needed
- No extra charges for Research
- Located by the Courthouse

# Constable5.com

Travis County Courthouse Complex ~ 1003 Guadalupe, Austin, Texas 78701  
(512)854-9100 ~ Fax(512)854-4228 ~ www.Constable5.com

# **EXHIBIT 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**DESSIE MARIA ANDREWS,**  
Plaintiff,

v.

**KATHLEEN ANN GITTEL,**  
Defendant.

§  
§  
§  
§  
§  
§  
§

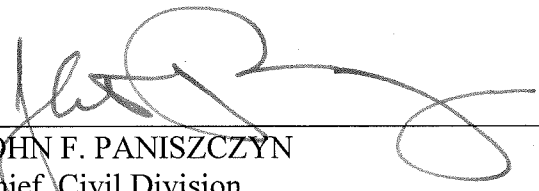
Civil Action No. \_\_\_\_\_

**CERTIFICATION**

I, JOHN F. PANISZCZYN, am an Assistant United States Attorney and the Chief for the Civil Division in the Office of the United States Attorney for the Western District of Texas, located in San Antonio, Texas. In that capacity, I have reviewed the Plaintiff's Original Verified Petition filed in the above-styled action. Acting pursuant to the provisions of 28 U.S.C. § 2679(d), 28 C.F.R. § 15.4, and the authority delegated to me as the Chief for the Civil Division, I hereby certify that Defendant Kathleen Gittel, at all times with respect to the allegations made in the Original Verified Petition, was acting within the course and scope of her federal employment with the United States Department of Commerce, Census Bureau.

Dated: \_\_\_\_\_

April 14, 2011

  
\_\_\_\_\_  
JOHN F. PANISZCZYN  
Chief, Civil Division  
Office of the U.S. Attorney for the  
Western District of Texas

# **EXHIBIT 3**

Cause No. D-1-GN-11-000730

<b>DESSIE MARIA ANDREWS,</b>	§	<b>IN THE DISTRICT COURT OF</b>
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>TRAVIS COUNTY, TEXAS</b>
	§	
<b>KATHLEEN ANN GITTEL,</b>	§	
<b>Defendant.</b>	§	<b>126<sup>TH</sup> JUDICIAL DISTRICT</b>

**DEFENDANT'S NOTICE OF FILING OF NOTICE OF REMOVAL**

TO: Amalia Rodriguez-Mendoza  
Travis County District Clerk  
P.O. Box 679003  
Austin, Texas 78767-9003

*and*

*Pro Se* Plaintiff as set out in the "Certificate of Service" section below.

Please take notice that on April 13, 2011, the United States, on behalf of Defendant Kathleen Ann Gittel, submitted to the Office of the Clerk of the United States District Court for the Western District of Texas, Austin Division, a Notice of Removal of the above-styled action to the United States District Court. A copy of the Notice of Removal is attached pursuant to 28 U.S.C. § 1446(d).

(Exhibit 1). You are respectfully directed to that provision which provides:

Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and *the State court shall proceed no further unless and until the case is remanded.*

28 U.S.C. § 1446(d) (emphasis added).

Respectfully submitted,

JOHN E. MURPHY  
UNITED STATES ATTORNEY

By: /s/ *Daniel M. Castillo*  
DANIEL M. CASTILLO  
Assistant United States Attorney  
Texas State Bar No. 00793481  
816 Congress Avenue, Suite 1000  
Austin, TX 78701  
(512) 916-5858 / 916-5854 (fax)

ATTORNEYS FOR DEFENDANT

#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing **Defendant's Notice of Filing of Notice of Removal** has been served by placing same in the United States mail, Certified Return Receipt Requested postage prepaid, on this the 14<sup>th</sup> day of April, 2011, addressed to:

Dessie M. Andrews, *pro se*  
6715 Skynook Drive  
Austin, Texas 78745

/s/ *Daniel M. Castillo*  
DANIEL M. CASTILLO  
Assistant United States Attorney